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9

10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 STATE OF CALIFORNIA ex rel.  
JAYDEEN VICENTE and JAYDEEN  
15 VICENTE Individually,  
16 Plaintiffs,

17 vs.

18 ELI LILLY AND COMPANY,  
19  
20 Defendant.

) CASE NUMBER 07-CV-04911-CRB

)  
) **DECLARATION OF JEANETTE HAGGAS**  
) **IN SUPPORT OF PLAINTIFFS' MOTION**  
) **TO REMAND CASE TO CALIFORNIA**  
) **SUPERIOR COURT**  
) **[28 U.S.C. §1447]**

)  
) Date: November 30, 2007  
) Time: 10:00 a.m.  
) Courtroom: 8, 19th Floor

)  
) Honorable Charles R. Breyer  
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1  
2 I, Jeanette Haggas, declare:

3 1. I am an attorney duly licensed to practice law before the Courts of the State of  
4 California. I am an associate in the law firm of Hersh & Hersh, attorneys of  
5 record for Plaintiff in this action. I have personal knowledge of the facts set  
6 forth herein and, if called as a witness, could and would competently testify  
7 thereto:

8  
9 2. I make this Declaration in Support of Plaintiffs' Motion To Remand.

10  
11 3. Attached as **Exhibit A** is a true and correct copy of the Opinion & Order,  
12 dated August 3, 2007, in the action entitled, *South Carolina v. Eli Lilly & Co.*,  
13 Slip Op., 2007 WL 2261693 (D.S.C. Aug. 3, 2007). In this action, the  
14 plaintiff alleged similar claims against Eli Lilly as the Plaintiffs in the case at  
15 bar. The District Court for the District of South Carolina granted plaintiff's  
16 motion to remand.

17  
18 4. Attached as **Exhibit B** is a true and correct copy of the Order Re: Plaintiff's  
19 Claim Of Proof, dated August 1, 2007, in the action entitled, *Alaska v. Eli*  
20 *Lilly & Co.*, Slip Op., No. 06-88, 2006 WL 2168831, at \*2 (D. Ak. July 28,  
21 2006). In this action, the plaintiff alleged similar claims against Eli Lilly as  
22 the Plaintiffs in the case at bar. The superior court declined to rule on the  
23 sufficiency of the state's proffered method to prove its case. The court further  
24 denied Eli Lilly's claims that the plaintiff's complaint was "remote" and held  
25 that the plaintiff's strict liability claims were not barred by the "economic loss  
26  
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1 rule". Additionally, the court denied Lilly's motion to dismiss plaintiff's  
2 claims of unfair trade practices.

3  
4  
5 5. Attached as **Exhibit C** is a true and correct copy of the Memorandum  
6 Decision And Order Denying Defendants' Motion To Stay And Granting  
7 Plaintiff's Motion To Remand, dated September 4, 2007, in the action  
8 entitled, *Utah v. Eli Lilly & Co.*, Slip. Op., No. 07-380 (D. Utah Sept. 4,  
9 2007). In this action, the plaintiff alleged similar claims against Eli Lilly as  
10 the Plaintiffs in the case at bar. The District Court for the District of Utah  
11 granted plaintiff's motion to remand.

12  
13 6. Attached as **Exhibit D** is a true and correct copy of the Memorandum And  
14 Order, dated June 27, 2007, in the action entitled, *Pennsylvania v. Eli Lilly &*  
15 *Co.*, No. 07-1083, 2007 WL 1876531 (E.D. Pa. June 27, 2007). In this action,  
16 the plaintiff alleged similar claims against Eli Lilly as the Plaintiffs in the case  
17 at bar. The Eastern District Pennsylvania Court granted plaintiff's motion to  
18 remand.

19  
20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct, and that this declaration was executed on October 19, 2007,  
22 at San Francisco, California.

23  
24 By /s/ Jeanette Haggas  
JEANETTE HAGGAS